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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,831	11/26/2003	Dany Sylvain	7000-313	9280

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WITHROW & TERRANOVA, P.L.L.C.  
100 REGENCY FOREST DRIVE  
SUITE 160  
CARY, NC 27518

EXAMINER
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NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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04/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/723,831

Applicant(s)

SYLVAIN, DANY

Examiner

Khai M. Nguyen

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**JOSEPH FIELD**  
SUPERVISORY PATENT EXAMINER

Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1-39, Applicant argues, on pages 2-7 of the remarks, that Yegoshin and McConnell do not disclose, teach or suggests "a call being initially established between a remote device and the mobile terminal via a local wireless adaptor couple to a packet-based network, and then transitioning the call to a cellular network, and determining the call should be transferred to the mobile terminal via the cellular network"

The Examiner respectfully disagrees with Applicant's argument because Yegoshin and McConnell clearly discloses a call being initially established between a remote device (see Yegoshin, local cellular network (BTS)) and the mobile terminal (see Yegoshin, cell phone 9) via a local wireless adaptor couple to a packet-based network (see Yegoshin, fig.2-3, cellular network (BTS), IP network (private network or LAN), paragraph 0029-0030, and 0035-0036), and then transitioning the call to a cellular network (see Yegoshin, paragraph 0029-0030, and 0035-0036), and determining the call (see Yegoshin, paragraph 0035-0036) should be transferred to the mobile terminal via the cellular network (see Yegoshin, paragraph 0035-0036 and 0049-0050).

Regarding claims 1-39, Applicant argues, on pages 2-6 of the remarks, that Yegoshin and McConnell do not disclose, teach or suggests "initiating a first connection between a first media gateway and the mobile terminal via the cellular network, and transferring a call that was initially established to the mobile terminal via a local wireless adaptor couple to a packet-based network to a connection established between a media gateway and the mobile terminal via the cellular network, and effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal."

The Examiner respectfully disagrees with Applicant's argument because Yegoshin and McConnell clearly discloses initiating a first connection between a first media gateway (see Yegoshin, fig.2-3, telephone switch 31, IP switch 35, MSC 34, PSTN 36, paragraph 0035-0036, and 0049-0050) and the mobile terminal via the cellular network (see Yegoshin, paragraph 0035-0036, and 0049-0050), and transferring a call that was initially established to the mobile terminal (see Yegoshin, cellphone 9) via a local wireless adaptor couple to a packet-based network to a connection established between a media gateway (see Yegoshin, paragraph 0035-0036, and 0049-0050) and the mobile terminal via the cellular network (see Yegoshin, paragraph 0035-0036, and 0049-0050) and effecting a transfer of the call to the first connection between the first media gateway (STP30 (signal transfer point (gateway or router ))) and the mobile terminal (see McConnell, fig.4-6, col.8, line 22 to col.9, line 35, the interface assembly 18 using the embedded programming of the PBX 12 to assist in the routing of wireless calls, the MSC 28 may receive a call request from a mobile phone "A" through the BSC 26 and BTS 24 in a conventional manner. The MSC then launches a query to the SCP 32 through the STP to determine how to route the call. The SCP then determines if the mobile station "A" is a part of the PBX network. If it is, the SCP launches a message to the HLR such as a location request, search and/or modify feature request, or service request to determine if the destination phone is available. If the destination phone is not, the SCP launches a query to the interface assembly, which in turn triggers the PBX to obtain an alternate phone number to which the call should be connected. The interface assembly then sends this alternate number to the SCP, which in turn performs signaling to determine if the alternate phone number is available. If it is, the SCP provides signaling to the MSC through the STP to route the call to the alternate number).

Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1-39, Applicant argues, on pages 2-7 of the remarks, that Yegoshin and McConnell do not disclose, teach or suggests "the call is initially established to comprise a remote connection between the remote device and a second media gateway and a local connection between the second media gateway and the mobile terminal via the local wireless adaptor over the packet based network"

The Examiner respectfully disagrees with Applicant's argument because Yegoshin and McConnell clearly discloses the call is initially established to comprise a remote connection between the remote device and a second media gateway (see McConnell, fig.2, element 12 (gateway, 28 (gateway)) and a local connection between the second media gateway (see McConnell, fig.2, element 12 (gateway), 28 (gateway)) and the mobile terminal via the local wireless adaptor over the packet based network (see Yegoshin, fig.2-3, paragraph 0049-0050)

Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection. Regarding claims 1-39, Applicant argues, on pages 2-7 of the remarks, that Yegoshin and McConnell do not disclose, teach or suggests "wherein the information is a periodic signal indicative of the mobile terminal being within a local wireless communication range of the local wireless adaptor; the mobile terminal registers with the cellular network while effecting communications via the local wireless adaptor; the mobile terminal registers with the cellular network while the call is in progress"

The Examiner respectfully disagrees with Applicant's argument because Yegoshin and McConnell clearly discloses wherein the information is a periodic signal indicative of the mobile terminal being within a local wireless communication range of the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050); the mobile terminal registers with the cellular network while effecting communications via the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050); the mobile terminal registers with the cellular network while the call is in progress (see McConnell, col.2, lines 37-56).

Khai nguyen  
Au: 2617